

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, SW
WASHINGTON, DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

PROCESSING ENGINEER: Khoa Tran
TELEPHONE: (202) 418-2700
GROUP FACSIMILE: (202) 418-1411
INTERNET ADDRESS: khoa.tran@fcc.gov

February 24, 2011

Dan J. Alpert, Esq.
Law Office of Dan J. Alpert
2120 North 21st Road
Arlington, VA 22201

Re: KANM(FM), Skyline-Ganipa, NM
Tango Radio, LLC
Facility ID No. 164213
File No. BLH-20100412AAD

Dear Counsel:

This letter refers to the above-captioned Application for License (the "License Application") to cover Construction Permit BNPH-20050103AAZ, as last modified by BMPH-20100330ADB (the "CP") submitted by Tango Radio, LLC ("Tango"), the permittee of new Station KANM, channel 240A, at Skyline Ganipa, NM.

On May 19, 2010, Commission staff returned the License Application as unacceptable for filing because Tango failed to submit the directional antenna proof of performance, antenna installation certifications and radiofrequency radiation ("RFR") measurements required by the Special Operating Conditions on the CP, and did not construct a main studio prior to filing the license application. The staff also denied Tango's associated request for waiver of the main studio rule and request for program test authority ("PTA").

On June 23, 2010, Tango submitted a Petition for Reconsideration (the "Petition") of the staff's dismissal of the License Application, a request for reinstatement of the License Application *nunc pro tunc*, and an amendment to the License Application purportedly containing the items required by the Special Operating Conditions on the CP. Commission staff promptly reviewed the Petition and the amendment to the License Application. They granted the Petition and reinstated the License Application on June 28, 2010, but were unable to act on the License Application because the amendment submitted by Tango did not contain all of the items required by the Special Operating Conditions on the CP. Accordingly, the staff contacted you by telephone and requested an additional amendment to the License Application containing the required KANM RFR measurements and a detailed description of the access restrictions in place at the KANM transmitter site.

Tango submitted the second amendment to the License Application on July 26, 2010. Commission staff promptly reviewed the amendment and found that the data submitted was still not sufficient to determine KANM compliance with all of the Special Operating Conditions on the CP and the Commission's Rules. Once again, the staff contacted you by telephone shortly after receipt of the application amendment and requested another amendment to the License Application containing the following items:

1. RFR measurements taken with the station operating at full power, i.e. 1.00 kilowatt effective radiated power;

2. photographs showing the locations of the transmitting antenna and the fence surrounding it that is required to prevent casual or inadvertent public access to areas in the vicinity of the KANM transmitting facilities where RFR levels are predicted to exceed General Population/Uncontrolled Maximum Permissible Exposure Limits.

On November 12, 2010, and November 30, 2010, respectively, two additional amendments to the License Application containing additional technical data and RFR measurements taken at full authorized power were filed. Our review of these amendments showed that the applicant did not submit the required photographs showing the location of the KANM transmitting facilities and the fence surrounding them in either of these application amendments, and that the field strength meter used to take the RFR measurements reported therein was not of sufficient and verifiable accuracy.¹ Subsequently, in early January, the staff contacted you by telephone to once again request transmitter site photographs and full-power RFR measurements taken using an accurate and verifiable RFR field strength meter. The staff specified a January 30, 2011, deadline for providing the requested information. On February 2, 2011, you requested an extension of time, until February 16, 2011, to amend the License Application to provide the required transmitter site photographs and RFR measurements. As of the date of this letter, Tango has not submitted an acceptable amendment to the License Application containing the required additional information, despite our repeated requests and Tango's repeated promises to do so.

Therefore, in light of the above and pursuant to Sections 0.283 and 73.3568(a)(1) of the Commission's Rules,² application BLH-20100407AAD IS HEREBY DISMISSED for failure to prosecute. Additionally, Construction Permit BNPH-20050103AAZ, as last modified by BMPH-20100330ADB, for Station KANM, Skyline-Ganipa, NM, EXPIRED BY OPERATION OF LAW on April 10, 2010, without further action by the Commission. Accordingly, the callsign for Station KANM has been deleted.

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Tango Radio, LLC

¹ The Extech Instruments, Model 480836, RF EMF field strength meter reportedly used to take the RFR measurements is not traceable to any calibration standard, and is therefore useable for information purposes only.

² 47 C.F.R §§ 0.283, 73.3568(a)(1).